IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2398 OF 2007
IN
WRIT PETITION NO. 6185 OF 2006

Gurvinderkaur Kohli ....Applicant.
V/s
Manmeetsingh Kohli ....Respondent.

Applicant present-in-person.

Mr.Chandrakant Yadav, Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
9/10/07

PC:

An order passed by the Family Court directing the petitioner's detention in civil prison for execution of an order directing the payment of interim maintenance at the rate of Rs.5000/- per month to the wife is challenged by filing the instant petition. The grievance of the petitioner in regard to payment of interim maintenance is that the order in this regard was passed by the Family Court ex-parte without affording an opportunity of hearing to the petitioner. The learned Single Judge of this Court by an order dated 21.9.06 granted stay of the impugned order subject to condition that the petitioner deposits entire arrears of maintenance in the Family Court within stipulated period. In compliance of said order an amount of Rs.1,80,000/- came to be deposited in the Family Court which in turn was directed to be invested in the nationalised bank for a period of 12 months. The Family Court by an order dated 9.8.07 has rejected the application moved by the petitioner for setting aside the ex-parte decree. On account of rejection of the

application for setting aside ex-parte decree present application for withdrawal of the amount has been moved by the applicant-wife. When the matter was heard on 27.9.07 learned counsel for the respondent had submitted that the petitioner has challenged the order dated 9.8.07 by filing Family Court Appeal No.165/07. The matter was fixed on 5.10.07 and thus a limited prayer was made to defer passing of the order on the application moved by the wife for withdrawal of the amount of Rs.1,80,000/-. Accordingly I had adjourned the matter and it has come up today for orders on civil application. Learned counsel for the petitioner-husband has submitted that in the Family Court appeal No.165/07 no order has been passed in favour of the husband for withholding payment of the amount. On the contrary perusal of the order dated 5.10.07 reveals that the Court has permitted the respondent-wife to withdraw the amount of Rs.1,80,000/- deposited in the Family Court. In this view of the matter civil application is allowed. The applicant-wife is permitted to withdraw the amount of RS.1,80,000/- deposited by the petitioner-husband in the Family Court towards interim maintenance granted to the wife. Civil Application thus is allowed and disposed of.

9.10.07